

The seal of the United States Department of Commerce is located at the top center of the page. It features an eagle with spread wings perched atop a shield. The shield contains a ship's mast and sails. The words "DEPARTMENT OF COMMERCE" are written in a circular arc above the shield, and "UNITED STATES OF AMERICA" is written in a circular arc below it, separated by two small stars.

Address: Assistant Commissioner for Patents
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Washington, D.C. 20231

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DECISION ON
RENEWED
PETITION
UNDER 37 CFR 1.81

BACKGROUND

DISCUSSION

A review of the renewed petitions reveals that petitioner has still not complied with the requirements set forth in section 711.03(c) specifically item 3, which requires a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. Petitioner's computer printout submission (exhibits 1-8) of the docket history of the above application by itself is insufficient to establish failure to receive

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the Office communication without any corroborating evidence, e.g., a log showing the mailed received during the time period where the nonreceived Office action would have been entered had it been received or a tickler sheet for 07 August 1999. In other words, to establish a showing nonreceived of the Notification of Missing Requirements would require, at a minimum, a copy of docket or mailroom records of the mailed received within the time period that the nonreceipt Office action would have been received or a copy of the docket report showing the replies docketed for a date of one month from the mail date of the nonreceived Office action.

Accordingly, petitioner has not yet met the requirements under MPEP section 711.03(c) to establish nonreceipt of an Office action, and the withdrawal of abandonment of the above captioned- application at this time is not appropriate.

DECISION

In view of the above, the petition is **DISMISSED** without prejudice.

The above-captioned application remains **ABANDONED**.

If reconsideration of the merits of the petition under 37 CFR 1.181 is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the PCT Legal Office.



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